

REMARKS

Claim 1 has been amended to correct typographical errors. The description of X₆ was inadvertently typed as X₅ and the word "and" was misspelled. This error is obvious since X₅ is listed twice. Further, claim 1 has been amended to limit formula I to the preferred invention as described on page 8, lines 9-14 of the specification. No new matter has been added by virtue of these amendments.

The Examiner has now asked three times about the proviso in claim 1. Applicants have answered this question in the last two responses to Office Actions stating that the proviso in claim 1 (see page 48, line 5) excludes those compounds of the formula I which gave unsatisfactory results in the tests carried out with the inventive compositions; and was not intended to exclude any prior art.

Claim 1 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to define X₆. The amendment of Claim 1 obviates this rejection.

Claims 1-7 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

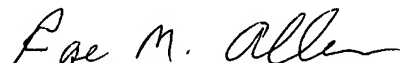
Enclosed herewith are five (5) Declarations under 37 C.F.R. §1.132 in support of the present application. The compound of revised claim 1, formula I is compound A in the declarations. All five declarations describe the very same test method but the herbicides and weeds mentioned differ from declaration to declaration.

The results show that the herbicidal mixtures of compound A with the various co-herbicides show superior results to those expected according to the Colby formula and this is clearly indicative of synergy for the inventive compounds of formula I, claim 1.

Accordingly, mixtures of compounds of formula I with the list of co-herbicides should be considered unexpected and non-obvious. The unexpected benefits obtained by mixing herbicides of formula I and the select list of co-herbicides of the present invention are further demonstrated in the Examples on pages 39-44 of the present application and in the herewith submitted declarations.

In view of the above amendments and arguments, Applicants respectfully submit that the rejections under 35 U.S.C. §112, first and second paragraphs, have been overcome and hereby request that this application be passed to issue.

Respectfully submitted,



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